

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-47428

YOUSSEF IBRAHIM DAKROUB,

Chapter 7

Debtor.

Judge Thomas J. Tucker

DAVISON PLAZA SHOPPING CENTER, INC.,

Plaintiff,

v.

Adv. Pro. No. 13-4816

YOUSSEF IBRAHIM DAKROUB,

Defendant.

ORDER VACATING WRITS OF GARNISHMENT

On January 30, 2014 and February 5, 2014, the Clerk of this Court signed, issued, and filed a total of three writs of garnishment, at the request of Plaintiff Davison Plaza Shopping Center, Inc., directed to garnishees “City Trends Realty” (Docket # 24); “JP Morgan Chase Bank” (Docket # 25) and “Fidelity Investments” (Docket # 26). Fidelity Investments filed a garnishee disclosure (Docket ## 34, 36); and City Trends Realty filed a garnishee disclosure (Docket # 33). And Defendant Debtor filed objections to the writs of garnishment (Docket ## 30, 31, 32).

The Court concludes that the writs of garnishment were issued in error by the Clerk, and must be vacated. This is because this Court did not enter any money judgment against the Defendant Debtor on which a garnishment *in this Court* could properly be based. The “Default Judgment Against Defendant” filed on December 23, 2013 (Docket # 18) is not such a money judgment. Rather, that default judgment merely determined that a specific debt owed by Defendant to Plaintiff is nondischargeable.

Plaintiff must seek any writ(s) of garnishment in an appropriate non-bankruptcy court, such as an appropriate state court, if and when Plaintiff has obtained a money judgment in such a court against the Defendant Debtor.

Accordingly,

IT IS ORDERED that the writs of garnishment filed on January 30, 2014 and February 5, 2014 (Docket ## 24, 25, 26) are vacated.

IT IS ORDERED that the Clerk of this Court is directed not to issue any more writs of garnishment, or any writs of execution, in this adversary proceeding.

Signed on February 21, 2014

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge